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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,127	10/04/2001	Sanjay Kumar	020431.0776	3685
53184	7590	06/21/2006	EXAMINER	
i2 TECHNOLOGIES US, INC. ONE i2 PLACE, 11701 LUNA ROAD DALLAS, TX 75234			O'CONNOR, GERALD J	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/972,127

Applicant(s)

Kumar et al.

Examiner

O'Connor

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 24, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 27-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on September 19, 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 24, 2006 has been entered.

Preliminary Remarks

2. This Office action responds to the amendment and arguments filed by applicant on March 24, 2006 in reply to the previous Office action on the merits, mailed December 22, 2005.

3. The amendment of claims 1 and 27-29 by applicant in the reply filed on March 24, 2006 is hereby acknowledged.

4. The addition of claims 30-33 by applicant in the reply filed on March 24, 2006 is hereby acknowledged.

Drawings

5. Corrected or substitute formal drawings were received on September 19, 2005. These drawings are acceptable.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

7. Claims 1-13, and 27-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Gardner et al. (US 5,758,327).

Gardner et al. disclose a computerized fulfillment system associated with a distributed supply chain, comprising: a database operable to store: at least one customer-specified rule identifying a sourcing constraint associated with a customer; and at least one contract value associated with a current status of a contract involving the customer; and one or more processors collectively operable to: receive an available-to-promise (ATP) request comprising a plurality of request line-items each corresponding to a desired product; generate one or more component ATP requests using at least one rule in the database and based on the request line-items;

communicate the component ATP requests to at least one supplier associated with the desired product, the supplier determined according to at least one customer-specified rule identifying the sourcing constraint; receive a plurality of component quotations from at least one supplier, each component quotation corresponding to a component ATP request and comprising product availability information for one or more corresponding desired products; and generate a quotation for communication using the product availability information and the contract value in the database.

Regarding claim 2, in the fulfillment system of Gardner et al., the one or more processors are further collectively operable to: update the current status of the contract using previous orders placed under the contract; and generate an updated contract value using the updated current status of the contract.

Regarding claim 3, in the fulfillment system of Gardner et al., the one or more processors are further collectively operable to: receive one or more attribute values from the customer, the attribute values associated with one or more attributes of the desired product; search a product catalog for one or more products having matching attribute values; and retrieve product information associated with at least one matching product from the catalog.

Regarding claim 4, in the fulfillment system of Gardner et al., at least one rule identifies one or more preferred suppliers associated with the customer; and the one or more processors are collectively operable to: communicate the component ATP requests to the preferred suppliers; determine if the preferred suppliers are able to supply a requested quantity of the desired product

based on the component quotations; and communicate component ATP requests to additional suppliers if the preferred suppliers are unable to supply the requested quantity of the desired product.

Regarding claim 5, in the fulfillment system of Gardner et al., the database is further operable to store at least one second rule associated with one of the suppliers; at least one second rule identifies a validity period for component quotations supplied by the supplier; and the one or more processors are collectively operable to generate the component ATP requests and the quotation using the rule associated with the customer and the second rule associated with the supplier.

Regarding claim 6, in the fulfillment system of Gardner et al., the database is operable to store a plurality of rules; and the one or more processors are further collectively operable to select one or more of the rules for generating the component ATP requests based on contents of the ATP request.

Regarding claim 7, in the fulfillment system of Gardner et al., the one or more processors are further collectively operable to: identify a plurality of available optional components associated with the desired product; identify valid combinations of the optional components; and display the valid combinations of the optional components to the customer.

Regarding claim 8, in the fulfillment system of Gardner et al., the one or more processors are further collectively operable to generate a sourcing plan using the product availability information and at least one rule, the sourcing plan identifying one or more suppliers and a quantity of the desired product reserved from each identified supplier.

Regarding claim 9, in the fulfillment system of Gardner et al., the one or more processors are further collectively operable to iteratively generate a sourcing plan when a previous sourcing plan fails to satisfy the corresponding rules in the database.

Regarding claim 10, in the fulfillment system of Gardner et al., the contract value comprises a discount available to the customer from one or more of the suppliers.

Regarding claim 11, in the fulfillment system of Gardner et al., the database is further operable to store at least one second rule associated with a logistics provider; and the second rule identifies one or more delivery services provided by the logistics provider and available to the customer.

Regarding claim 12, in the fulfillment system of Gardner et al., the fulfillment system operates in an electronic marketplace; the one or more processors are collectively operable to receive at least one ATP request through a web-based user interface using Hypertext Transfer Protocol (HTTP); and the one or more processors are collectively operable to communicate the quotation using electronic mail.

Regarding claim 13, in the fulfillment system of Gardner et al., the one or more processors are collectively operable to receive at least one ATP request using at least one of Hypertext Transfer Protocol (HTTP), Simple Network Management Protocol (SNMP), Extensible Markup Languages (XML), Electronic Data Interchange (EDI) Value Added Network (VAN), and electronic mail.

Regarding claim 30, in the fulfillment system of Gardner et al., the product availability information includes information representative of an inventory level.

Response to Arguments

8. Applicant's arguments filed March 24, 2006 have been fully considered but they are not deemed persuasive.

9. Regarding the argument that Gardner et al. fail to disclose using at least one customer-specified rule identifying a sourcing constraint in determining which supplier to use, the system of Gardner et al. indeed includes using at least one customer-specified rule identifying a sourcing constraint in determining which supplier to use, since the customer's use of the Gardner et al. system inherently limits/constrains the customer to purchasing only from the particular vendors/catalogs listed in the system (i.e., the vendors with whom the operator of the central system has an agreement/connection). Additionally, the Gardner et al. system provides for private catalog pricing (company-specific catalog with products, services, and/or pricing specific to that particular company, due to a particular company-vendor pricing/sourcing agreement), which private catalog pricing inherently comprises a sourcing constraint, since the items, services, and/or prices of the private catalog are only available to the company from the specific vendor with whom the customer has the private catalog agreement/contract.

10. Regarding the argument that Gardner et al. fail to disclose receiving quotes that comprise availability information and generating a quote that includes the availability information, the system of Gardner et al. indeed includes receiving quotes that comprise availability information and generating a quote that includes the availability information, since it is the centralized

system that determines to which supplier(s) the system will send the purchase order(s), and one of the criteria/rules used by the centralized system is the availability information.

11. Regarding the argument that Gardner et al. fail to disclose contract values stored in the database, the system of Gardner et al. indeed includes contract values stored in the database. See, for example, column 5, lines 39-42.

12. Regarding the argument that Gardner et al. fail to disclose generating a quotation that includes the contract value, the system of Gardner et al. indeed includes generating a quotation that includes the contract value, since the pre-negotiated contract price/value is the price/value used in the quotation.

13. To the extent that applicant is arguing that the references applied in the rejection fail to use the same names for certain elements as the names used by applicant, the argument is irrelevant, as it is noted that the disclosure in a reference must show the claimed elements arranged in the same manner as in the claims, but need not be in the identical words as used in the claims in order to be anticipatory. See *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to the disclosure.

15. All rejected claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

16. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, **Jerry O'Connor**, whose telephone number is **(571) 272-6787**, and whose facsimile number is **(571) 273-6787**.

The examiner can normally be reached weekdays from 9:30 to 6:00.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mr. Alexander Kalinowski, can be reached at **(571) 272-6771**.

Official replies to this Office action may be submitted by any *one* of fax, mail, or hand delivery. **Faxed replies are preferred and should be directed to (571) 273-8300**. Mailed replies should be addressed to "Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450." Hand delivered replies should be delivered to the "Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314."

GJOC

June 12, 2006

 6/12/06

Gerald J. O'Connor
Primary Examiner
Group Art Unit 3627